IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 4045 OF 1993

Smt. Sheetal Srikant Pai ..Plaintiff

Vs.

K.Chandrashekar Nayak ..Defendant

Mr. Umesh Shetty for the Plaintiff.

None for defendants.

CORAM: S.K.SHAH,J.

DATE : 27th July,2006.

P.C.

1. None for the Defendants.

2. By an order dated 5th April, 1999, this Court passed a preliminary decree directing the Commissioner for Taking Accounts to take accounts of the partnership firm and determine the assets and liabilities of the Plaintiff and Defendant. Accordingly, the Commissioner has submitted two reports, one dated 19.9.2003 and another dated 2.3.2006. The reports specify the assets and liabilities of the firm. The plaintiff has produced along with the Plaint the Deed of Partnership. In para

9 thereof, it is mentioned that the share of profits and losses would be 50% each.

3. Under the circumstances, the suit is decreed in terms of prayer clauses (a) and (b).

4. It is further directed that the Receiver shall sell the assets of the firm and from the amount so recovered shall satisfy the liabilities of the firm, viz. Rs.5,38,725/- to be paid to the Society as and by way of maintenance charges quantified till date and shall also pay any further maintenance charges of the Society which are unpaid, pay to the Plaintiff an amount of Rs.1,41,605/- which amount was paid by the Plaintiff for discharging the partnership liabilities. Before making these payments, the Receiver's charges shall be deducted. After making these payments, if any amount remains, the same shall be equally distributed to the Plaintiff and the Defendant.

5. Final decree be passed in the above terms.

Suit stands disposed of.

(S.K.SHAH,J.)